

OCT 19 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTURO HERNANDEZ LOPEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-73362

Agency No. A95-176-544

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 11, 2005**

Before: HALL, T.G. NELSON and TALLMAN, Circuit Judges.

Arturo Hernandez Lopez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying as untimely

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

his motion to reopen removal proceedings. We deny in part and dismiss in part the petition for review.

Hernandez Lopez failed to raise in his brief any challenge to the BIA's denial of his motion to reopen. He consequently has waived any such challenge. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

We lack jurisdiction to review Hernandez Lopez's equal protection challenges to the BIA's underlying dismissal of his appeal from an immigration judge's denial of cancellation of removal, because Hernandez Lopez did not timely petition for review of the BIA's January 22, 2004, decision. *See id.* at 1258 (holding that alien's filing of motion to reopen does not toll statutory deadline for appealing underlying final order).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.